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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,580	08/21/2003	Anil K. Nori	MSFT-2735/305312.01	9948

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EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2162

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,580

Applicant(s)

NORI ET AL.

Examiner

Jean M. Corielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the election of a restriction requirement filed on July 28, 2006, in which claims 1-18 are elected for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on August 17, 2005 and February 2004 complies with the provisions of M.P.E.P 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Drawings

3. Applicants are required to furnish the formal drawings in response to this office action if *the formal drawings have not been submitted*. No new matter may be introduced in the required drawings. Failure to timely submit a drawing will result in ABANDONMENT of the application.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

Claims 1, 10 and 12 in view of MPEP section 2106 IV.B.2. (b) define non-statutory processes because they merely manipulate an abstract idea. More specifically, claims 1, 10 and 12 recite a data store, which comprises an item, wherein said item is a unit of data storable in a

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data store, which also comprises element and relationship; said element is an instance of a type comprising one or more fields and relationship is a link between at least two items. Such limitations of the claims are just an abstract idea without product a concrete result. There is no manipulation of data nor there any transformation of data from one state to another being performed. Actually, no post computer process activity and no physical transformation are found in the claims. Therefore, claims 1-18 are directed to an abstract idea that is not tied to a technological art, environment or machine which would produce a concrete and useful result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "a data store comprising at least one of each of an item, an element and relationship" and "said item is a unit of data storable in a data store and further comprises said element and said relationship". It is not clear as to what the Applicant tries to say. For the purpose of examination, the examiner has interpreted the above limitation as --a data store comprising at least one of an item, an element and relationship--; -- said item is a unit of data storable in a data store--.

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8. Claim 14 recites the limitation "wherein the deletion" in 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 15, 16 and 18 recite "it", line 2 respectively. Pronouns are not permitted, only what is being referred by "it" should set forth in the claim.

10.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Agrawal et al., (hereinafter "Agrawal") US Patent no. 6,324,533.

As to claim 1, Agrawal discloses a system for mining relationship from the integrated mining system in a form of query to SQL engines enhanced with object relational extensions (col.2, lines 33-36). In particular the claimed "a data store, an Item; an Element and a Relationship" (col.2, lines 40-60; col.4, line 66; col.5, lines 5-20; "wherein said Item is a unit of data storable in a data store" (col.8, lines 2-18); "said Element is an instance of a type comprising one or more fields" (col.10, lines 13-38); and "said Relationship is a link between at least two Items" (col.11, lines 3-21).

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As to claim 2, discloses the claimed “a plurality of Items, said plurality of Items comprising an Item Folder and at least one other Item that is a member of said Item Folder” (col.9, lines 25-60).

As to claim 3, discloses the claimed “a plurality of Items, said plurality of Items comprising a Category and at least other one Item that is a member of said Category” (col.12, lines 48-55).

As to claim 4, discloses the claimed “wherein a Relationship between two Items is established automatically by a hardware/Software interface system” (col.7, lines 15-60).

As to claim 5, discloses the claimed “wherein said Element is understandable by a hardware/software interface system.” (col.8, lines 8-18).

As to claim 6, discloses the claimed “a second Element, and wherein said Relationship comprises said second Element” (col.7, lines 15-60).

As to claim 7, discloses the claimed a Core Schema to define a set of Core Items by which a hardware/software interface system understands and directly processes said set of Core Items in a predetermined and predictable way (col.8, lines 10-65).

As to claim 8, discloses the claimed “ wherein each Item from the set of Core Items is derived (directly or indirectly) from a Common Single Base Item” (col.9, lines 25-60).

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As to claim 9, discloses the claimed “wherein said Common Single Base Item is a foundational Item in a Base Schema” (col.13, lines 8-40).

As to claim 10-11:

Claims 10-11 are computer readable medium with computer readable instructions for performing the data store claims 1-9 above. They are, therefore, rejected under the same rationale.

As to claim 12, discloses the claimed “a plurality of Elements where each Element from among said plurality of Elements constitutes an instance of a type comprising one or more fields” (col.2, lines 40-60; col.4, line 66; col.5, lines 5-20; “a plurality of Items where each Item from among said plurality of Items constitutes a discrete storable unit of information that can be manipulated by a hardware/software interface system, and wherein each said Item comprises at least one Element” (col.10, lines 13-38); “plurality of Relationships where each Relationship form among said plurality of Relationships is a link between at least two Items” (col.9, lines 25-60); “a data store, said data store comprising said plurality of Item, said plurality of Elements, and said plurality of Relationships” (col.10, lines 15-60; and ”a storage platform for managing said data store and for manipulating said plurality of Items” (col.9, lines 25-60).

As to claim 13, discloses the claimed “wherein each Item from among said plurality of Items belongs to at least one Item Folder from among a plurality of Item Folders, and wherein each said Item may belong to more than one Item Folder from among said plurality of Item Folders” (col.12, lines 35-65).

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As to claim 14, discloses the claimed “wherein the deletion of said Item Folder does not automatically result in the deletion of said Item” (col.7, lines 15-62).

As to claim 15, discloses the claimed “wherein an Item is automatically deleted when it no longer belongs to any Item Folder” (col.8, lines 3-18).

As to claim 16, discloses the claimed “wherein said Item is automatically deleted when it is a member of only one Item Folder and said Item Folder is deleted” (col.9, lines 25-60).

As to claim 17, discloses the claimed “wherein an Item is automatically a member of a default Item Folder”(col.10, lines 15-40).

As to claim 18, discloses the claimed “wherein said Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder” (col.15-35)

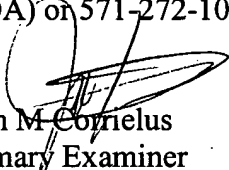
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jean M. Cornelius
Primary Examiner
Art Unit 2162

September 29, 2006